

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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PAMELA ANN GAMBREL,

Plaintiff,

v.

Case No. 05-C-0968

JO ANNE B. BARNHART,

Defendant.

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**ORDER**

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Plaintiff has filed an action for court review of a decision rendered by the Commissioner of Social Security. Ordinarily, a plaintiff must pay a statutory filing fee of \$250 to bring an action in federal court. 28 U.S.C. § 1914(a). Plaintiff, however, has requested leave to proceed in forma pauperis, pursuant to 28 U.S.C. § 1915.

Section 1915 is meant to ensure indigent litigants meaningful access to federal courts. *See Nietzke v. Williams*, 490 U.S. 319, 324 (1989). Under § 1915, an indigent party may commence a federal court action, without paying required costs and fees, upon submission of an affidavit asserting inability “to pay such fees or give security therefor” and stating “the nature of the action, defense or appeal and the affiant’s belief that the person is entitled to redress.” 28 U.S.C. § 1915(a)(1).

Plaintiff filed the required affidavit of indigence. Review of the affidavit does not reveal whether plaintiff meets the poverty requirements of 28 U.S.C. § 1915. Plaintiff has been unemployed since January of 2003. As obligations she lists a \$143.00 per month payment to the

Wisconsin Housing Preservation Corp. and the support of her daughter. No dollar estimate is given for the latter obligation. Plaintiff's income derives from a Wisconsin Department of Workforce Development W-2 check; however, plaintiff does not state the amount or frequency of these check(s). Because the affidavit does not allow the court to ascertain plaintiff's monthly income or monthly obligations, the court cannot conclude that plaintiff meets the poverty requirements of 28 U.S.C. § 1915.

**THEREFORE, IT IS ORDERED** that plaintiff's motion for leave to proceed in forma pauperis is **DENIED**, without prejudice. Plaintiff is directed either to pay the statutory filing fee of \$250 to the Clerk of Court for this district or to file a new motion for leave to proceed in forma pauperis, with proper supporting documentation, within twenty-one days of the date of this order. Failure to pay the filing fee or to file a proper motion within the period specified herein will result in dismissal of this action pursuant to Fed. R. Civ. P. 41(b) and Civil L.R. 41.3 (E.D. Wis.).

Dated this 12th day of September, 2005.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge